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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,829	09/24/2003	Mark A. Stansbury	NSAC-2	5707
52450	7590	07/12/2006	EXAMINER	
KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



This is a non-final office action for application number 10/669,829, Furnace Mount and Method of Installation, filed on September 24, 2003. This application is a continuation of application 09/941,524 filed August 29, 2001, now abandoned.

***Response to Appeal Brief***

The prosecution of this application as been reopened in view of newly discovered reference to Born, thus, finality is hereby withdrawn and a rejection regarding the reference follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40 and 45 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 3,326,508 to Born. Born discloses a mount (Fig. 6) capable of supporting a furnace above the floor, the mount comprising: an integrally formed rigid main body member (51) having a first surface adapted to engage the floor and a second surface spaced from the first surface; an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface (51A) adapted to engage and couple the main body member to the furnace; and wherein the main

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body is free of engagement with any mechanical fasteners. Note, the limitation of the mount being molded is not afford any patentable weight because this limitation is drawn to a method of making/producing the mount and the claims are directed to a structural claim and a not a method claim. The patentability of a product does not depend on its method of production.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Born. Born discloses the claimed invention except for the limitation of the mount being a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the wooden mount in Born to have been constructed of a polymeric material for the purpose of providing an alternative, mechanically equivalent material for the mount and since such a modification would not have produced any unexpected results.

### ***Allowable Subject Matter***

Claims 1, 5-12, 15, 17-22, 26-31, 34, 35, and 46-53 are allowed.

Claims 41, 42, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in the above mentioned claims are the limitations of a mount for supporting a furnace above the floor, the mount having an integrally formed main body member including a pair of integrally formed upstanding wall members defining a locator portion to abut an outer surface of the furnace and position the furnace relative to the member, and an adherent component connected with the main body member and located proximate the second surface, the adherent component including an adhesive, included in independent claim 1 and in combination with the other elements recited in the claim; a mount for supporting a furnace above the floor, the mount having a substantially rigid main body member, a vibration dampening component positioned on and connected with the second surface of the member with the furnace, and wherein the main body member has a locating portion extending from the second surface to abut on outer surface of the furnace and position and the second surface relative to the furnace, the locating portion includes two upstanding members that are oriented perpendicular to one another, essentially included in independent claims 15 and 46 and in combination with the other elements recited in the claims respectively; and a combination comprising a furnace having outer walls that define four corners, a plurality of furnace mounts, each located at and abutting the outer walls defining each of the corners, the mounts including a substantially rigid main body member, a vibration dampening component positioned on and connected with the second surface of the member and having an outer adhesive surface, and wherein the main body member has integrally formed locating portion

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extending from the second surface, essentially included in independent claims 21 and 51 and in combination with the other elements recited in the claims respectively. These combinations are not found in the prior art of record.

### ***Response to Arguments***

Applicant's arguments, see appeal brief, filed May 3, 2006, with respect to the double patenting rejection as well as the 35 U.S.C. 103(a) rejections in view of Benton, Brabson, Rozek, and Noguchi references have been fully considered and are persuasive. The rejections of claims 1, 5-12, 15, 17-22, 26-31, 34, 35, 41, 42, 44, and 46-53 have been withdrawn.

Applicant's arguments, see appeal brief, filed May 3, 2006, with respect to the rejection(s) of claim(s) 40, 43, and 45 under double patenting and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Born.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Anita M. King  
Primary Examiner  
Art Unit 3632

July 6, 2006